

- B. Timelines: The resolution conference must be held and the decision issued within ten (10) days from the date of the request. The time line may be extended by mutual agreement of the parties.
- C. **Either a responsible public agency or a p[P]arent can waive the right to a resolution conference and request a state-level hearing panel (three[-]member hearing panel). A request for state-level hearing by either a parent or a public agency shall be treated as a waiver of a resolution conference and processed. A parent may not be forced to proceed to a resolution conference in lieu of a due process hearing where the agency and not the parent initiates a resolution conference.**

State-level Hearing Panel

Appeal of the resolution conference decision is to the state board of education pursuant to Section 162.961, RSMo. A request for a due process hearing shall include the child's name, address, school, issue, and suggested resolution of dispute, if known.

- A. Process: Except as provided below in expedited hearings under §162.961.6, RSMo, a panel of three individuals is empowered, one member designated by the school, one member designated by the parents or guardian, and the chair selected by the State Department of Elementary and Secondary Education. The chair is a licensed attorney. If either party has not successfully chosen a willing and available panel member with ten (10) days after the Department of Elementary and Secondary Education receives the request for a due process hearing, the panel member(s) will be chosen instead by the Department. Each member must be determined to be impartial and be knowledgeable of students with disabilities.
- B. Hearing Rights: Any party to a hearing has the right to:
- 1) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities;
 - 2) present evidence and confront, cross-examine, and compel the attendance of witnesses;
 - 3) prohibit the introduction of any evidence, including all evaluations and recommendations based on the offering party's evaluation at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;
 - 4) obtain a written or, at the option of the parents electronic verbatim record of the hearing at no cost; and,
 - 5) obtain written or, at the option of the parents, electronic findings of fact and decisions at no cost;

In addition, the parents have the right to open the hearing to the public; otherwise, it is closed. The parents may also elect to have the student present at the hearing.

A copy of the written findings and decision shall be mailed to each party and to the State Department of Elementary and Secondary Education (DESE). The DESE shall provide a copy of the findings and decision, with all personal identifiers removed, to the Missouri Special Education Advisory Panel and shall make the findings and decision available to the public (with all personally identifiable information deleted).

- C. Timelines: Except in the case of an expedited hearing provided for below, the hearing panel must be empowered within fifteen (15) days of the date of the appeal of the resolution conference decision or the request for a three member hearing